

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of Petition of CenturyLink
and Dex Media, Inc. for a Waiver of or
Exemption from the Commission's Directive
Regarding Distribution of Telephone
Directories

Docket No. 16-UTDT-568-MIS

**JOINT MOTION OF CENTURYLINK AND DEX MEDIA, INC.
FOR AN ADDITIONAL EXTENSION OF TIME TO RESPOND TO STAFF'S AUGUST
22, 2016 MOTION TO DISMISS DEX MEDIA**

COMES NOW Dex Media, Inc. ("Dex Media") and the United Telephone Company of Kansas d/b/a CenturyLink, United Telephone Company of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and Embarq Missouri, Inc. d/b/a CenturyLink (collectively "CenturyLink") (CenturyLink and Dex Media collectively herein "Joint Movants"), and hereby request that the State Corporation Commission of the State of Kansas ("Commission") grant an additional extension of time for Joint Movants to file a response to the Motion to Dismiss Dex Media, Inc. from Proceeding, that was filed by Staff on August 22, 2016. In support of their Motion, Joint Movants state as follows:

1. CenturyLink is a local exchange carrier ("LEC"), pursuant to K.S.A. 66-1,187(h), regulated by the Kansas Corporation Commission ("Commission") as a public utility. Dex

Media is the “official” publisher of directories for CenturyLink affiliates in Kansas¹ pursuant to publishing contracts.² CenturyLink does not pay Dex Media for publishing telephone directories on its behalf. Rather, Dex Media bears the entire cost of publishing and distributing the directories from revenues received for yellow pages ads.

2. CenturyLink is required to issue a telephone directory in accordance with the requirements of the Commission’s May 1, 1967 Directive, which states that a:

Commission Conference was held on April 27, 1967 and it was determined that all telephone companies operating in the State of Kansas issue at least annually a dated telephone directory.

The Directive is not codified in the Commission’s Rules and there is no statutory mandate for the issuance of directories.

3. On June 10, 2016, Joint Movants filed a Joint Petition requesting a permanent waiver of, or exemption from, the requirements of the May 1, 1967 Directive concerning the issuance of telephone directories.

4. Thereafter, Joint Movants provided discovery responses in response to Staff data requests, and have otherwise worked collaboratively with Staff so that Staff has sufficient information upon which to make its ultimate recommendation to the Commission regarding the request for a waiver or exemption from the requirements of the Directive.

5. On August 22, 2016, Staff filed a Motion to Dismiss Dex Media from this proceeding. In its Motion, Staff noted, *inter alia*, that the Commission does not have jurisdiction

¹ Dex Media and its predecessors and affiliates have been in the business of publishing telephone directories since 1886. In addition to Kansas, Dex Media publishes directories for incumbent LECs in over 40 other states and the District of Columbia, serving over 500 markets nationwide.

² In Kansas, Dex Media acquired the publishing business of CenturyLink’s predecessor companies, including Qwest, pursuant to agreements executed in 2002 and Embarras, pursuant to agreements executed in 2003. CenturyLink does not have any direct financial interest in Dex Media.

over telephone directory publishers, and the Commission must act within its jurisdiction in order to issue an enforceable order.

6. Subsequent to the filing of the Motion to Dismiss, on August 24, 2016, Staff and CenturyLink participated in a meeting at the Commission in which a number of conditions were discussed that could be applied if Staff was inclined to recommend Commission approval of the waiver of Directive requirements. Those conditions were further discussed jointly between Dex Media and Century Link, as various data held by Dex would be necessary for Century Link to utilize in order to be in compliance with Staff's proposed conditions.

7. Joint Movants anticipate that a series of additional meetings, teleconferences, and/or correspondence with Staff will likely be forthcoming, and assert that it is reasonably likely that Staff and CenturyLink could reach a substantive agreement regarding the terms of any waiver of the requirements of the Directive, which would moot the pending motion.

8. On September 1, Joint Movants requested a thirty-day extension of time from the date its response to the Motion to Dismiss is due, to October 1, 2016, in order to respond to the Motion to Dismiss. October 1, 2016 falls on a Saturday, therefore pursuant to K.A.R. 82-1-217(a), Joint Movants requested until October 3, 2016 to file its response to the Motion to Dismiss. An Order granting the Joint Motion for Extension of Time was issued on September 13, 2016. On September 23, 2016, Joint Movants requested an additional extension of time in order to provide the parties with additional time for discussion and resolution of the issues. An Order granting the additional extension was filed on September 29, 2016.

9. Joint Movants assert that an additional thirty days, until December 1, 2016, will permit Staff and Century Link to continue to engage in productive negotiations to resolve this matter substantively. Likewise, the additional time requested would avoid the time and expense

all parties would expend in responding to a procedural matter, which time could perhaps be more constructively utilized to resolve the substantive issues in this proceeding.

10. Joint Movants have discussed this motion for extension of time with Staff counsel, who has voiced no objection to this additional extension of time. Staff counsel also indicated that Staff has no objection to the extension of time. Therefore, no parties will be prejudiced by the granting of this motion.

WHEREFORE, Joint Movants respectfully request that its Motion for Extension of Time be granted, and its response date be moved to December 1, 2016, and for any such further relief that the Commission may deem just and appropriate.



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VERIFICATION

STATE OF Missouri)
COUNTY OF JACKSON)ss.

Anne E. Callenbach, of lawful age, being first duly sworn, on oath deposes and states:

That she is counsel to Dex Media in the above-referenced matter; that she has read the above and foregoing document, knows and understands the contents thereof and states that the statements and allegations contained therein are true and correct, according to her knowledge, information and belief.

Further affiant sayeth not.

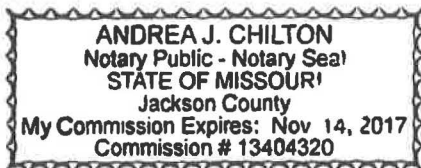


Subscribed and sworn to before me this 28th day of October, 2016.

My Appointment Expires:



Notary Public in and for said
County and State



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading has been ✓ emailed, faxed, hand-delivered and/or mailed, First Class, postage prepaid, this October 28 2016, to:

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